

U.S. DISTRICT COURT - DISTRICT OF IDAHO
Summary - Guidance for the Implementation of the Judicial Conference Policy
On the Availability of Transcripts of Court Proceedings
Effective May 15, 2008

At its September 2007 session, the Judicial Conference of the United States approved a new policy regarding the availability of transcripts of court proceedings. Below is a summary:

- (1) A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days after it is delivered to the clerk. (Requests for copies will continue to be routed to the court reporter/transcriber.)
- (2) During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF (Case Management/Electronic Case Files) system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.
- (3) After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for download from the court's CM/ECF system through the judiciary's PACER system (Public Access to Court Electronic Records).

In addition, amendments to the Federal Civil and Criminal Rules of Procedure implementing the E-Government Act of 2002's requirement to protect the privacy and security of publicly available electronic filings took effect on December 1, 2007. The amendments to Civil Rule 5.2 and Criminal Rule 49.1 require that personal identification information be redacted from documents filed with the court – individuals' Social Security numbers, names of minor children, financial account numbers, dates of birth, and, in criminal cases, home addresses. As a result, as courts begin to implement the new transcripts access policy, they also need to ensure that the transcripts are compliant with the rules. In 2003, the Judicial Conference approved procedures for applying redaction requirements to transcripts of court proceedings.

Unfortunately, the Judicial Conference has not authorized an additional fee for providing redacted transcripts. However, please note that pilot programs indicate that very few redactions occurred during the one-year pilot period since only courtroom proceedings are included in the policy, not depositions. Also, the redacted copy is provided only to the court and not the parties. It is our hope that most redaction can be avoided by the court reminding counsel to avoid using personal identifiers in the courtroom.

Please refer to "Questions and Answers on the Electronic Availability of Transcripts and Transcript Redaction Procedures" for more detailed redaction instructions.

Also available for your reference are the "District of Idaho Transcript Redaction Policy" and "District of Idaho E-Transcript Procedures (revised 04/08)."

Key Points:

- Transcripts will be sent as they are now to transcripts@id.uscourts.gov in pdf format. We would ask that beginning May 15, 2008, you provide to us in the body of the email, the names of the attorneys or attorneys who have paid for the transcript. Also, please notify us via email of any additional parties who have subsequently purchased a copy of a transcript within 90 days of delivery to the court.
- Please continue to be sure to certify the transcript. This can be done with “/s/ John Doe” as the signature.
- 5 business days after the transcript is filed, parties must file a “Notice of Intent to Redact” if they wish to have information redacted and serve it on the court reporter/transcriber.
- 21 calendar days after the transcript is filed, parties must file a “Redaction Request - Transcript” and serve it on the court reporter/transcriber; attorneys must provide page and line numbers.
- 31 calendar days after the transcript is filed (10 days after the Redaction Request is filed), the court reporter/transcriber will perform redactions and email the redacted transcript in pdf format to transcripts@id.uscourts.gov. There is no requirement to send a copy of the redacted transcripts to the parties who originally ordered the transcripts. Redactions must preserve page and line integrity. Please refer to “Questions and Answers on the Electronic Availability of Transcripts and Transcript Redaction Procedures” for other redaction details regarding the title page and re-certification.
- If both redacted and unredacted versions exist, the redacted transcript is the preferred version to be sold.
- PLEASE NOTE that pursuant to Dist. Idaho Loc. Civ. R. 5.5, public access shall not be provided to documents containing identifying information about jurors or potential jurors. Therefore, transcripts of voir dire/jury selection should be done as a separate volume and sealed by the Court.